

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No.

13-MS-186 ser

MARCELINO GARCIA

(a/k/a Moreno Marcelino Garcia)

CRIMINAL COMPLAINT

I, Special Agent Matthew Parker, Federal Bureau of Investigations ("FBI"), the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 15, 2013, in Ramsey County, in the State and District of Minnesota, the defendant, Marcelino Garcia, did unlawfully, knowingly and intentionally distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

I further state that I am a Special Agent with the FBI and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Complainant's signature

Matthew Parker, Special Agent, FBI

Sworn to before me and signed in my presence.

Date:

18 March 2013



Judge's signature

City and state: St. Paul, Minnesota

Steven E. Rau, U.S. Magistrate Judge

SCANNED

MAR 18 2013

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

ss. AFFIDAVIT OF MATTHEW PARKER

I, Matthew Parker, being duly sworn, depose and state as follows:

INTRODUCTION

1. Your Affiant is a Special Agent with the Federal Bureau of Investigation and has been so employed since 1999. I am presently assigned to the Minneapolis Division of the FBI, specifically to the Twin Cities Safe Streets Violent Gang Task Force (TCSSVGTF), which investigates, among other things, violations of federal narcotics offenses. I have worked on federal narcotics investigations since 2005. Prior to being assigned to the TCSSVGTF, I worked on the White Collar Crime Squad where I participated in numerous investigations of financial crimes and bank, wire, and mail fraud investigations. I have attended narcotics training courses conducted by the Minnesota Bureau of Criminal Apprehension and the Drug Enforcement Administration, which, along with my assignment to the TCSSVGTF enable me to recognize methods and techniques employed by narcotics traffickers, as well as methods for distribution of narcotics, the means to launder drug proceeds, and the organization of drug conspiracies.

2. I am an investigator or law enforcement officer of the United States within the meaning of 18 U.S. C. Section 2510, (7); that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for drug offenses.

3. This Affidavit is submitted in support of a criminal complaint charging Marcelino Garcia with distribution of 500 grams or more of a mixture and substance

containing a detectable amount of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A).

4. The facts and information contained in this Affidavit are based upon my own investigation and observations of other agents and law enforcement officers involved in the investigation. This Affidavit contains information necessary to support probable cause for the attached Complaint. It is not intended to include each and every fact and matter observed by me or known to the Government.

5. For the last several months, the TCSSVGTF has been conducting an investigation of drug traffickers who distribute methamphetamine in and around the Twin Cities Metropolitan area. During this investigation, investigators learned through a Cooperating Defendant, (hereinafter referred to as CD), that a Hispanic male living at 1847 Todd Drive, Arden Hills, Minnesota was responsible for distributing large amounts of methamphetamine. Through multiple investigative methods, the FBI identified this Hispanic male as Marcelino Garcia. The CD told investigators that Garcia sold methamphetamine out of his residence at 1847 Todd Drive, Arden Hills, Minnesota, as well as other locations around the metropolitan area. Law enforcement has corroborated information provided by the CD. The CD is cooperating with investigators in return for consideration on three pending drug charges. No promises or agreements for immunity from prosecution have been made with the CD. The CD currently has a pending 5th degree drug case in Dakota County, a pending 1st degree drug case in Anoka County, and a pending 1st degree drug case in Ramsey County. The CD has been previously convicted of Misdemeanor Theft in 1993, Misdemeanor Theft by Check in 1995, Misdemeanor

Damage to Property in 2007, Misdemeanor 5th Degree Drugs in 2009, Misdemeanor Violation of a Restraining Order in 2011, and Misdemeanor 5th Degree Drugs in 2012.

6. On January 31, 2013, the Postal Service provided a list of last names to TCSSVGTF investigators for individuals that receive mail at 1847 Todd Drive. Two of the last names contained the name Garcia. On or about February 6, 2013, surveillance officers observed Garcia burning something in the yard at 1847 Todd Drive. A Ramsey County Deputy came to the residence to talk to the resident about the burning that was reported. The man identified himself to the deputy as Marcelino Garcia and stated that he lived at 1847 Todd Drive.

7. Within the past few weeks, Garcia asked the CD if he knew of a buyer for a large amount of methamphetamine. During one conversation with the CD that was not recorded, Garcia asked if the CD knew of someone that was capable of buying 20-30 pounds. The CD, at the direction of investigators, told Garcia that he did know of someone.

8. On March 14, 2013, the CD went to Garcia's residence at 1847 Todd Drive. While meeting with Garcia at the shed directly adjacent to the residence, Garcia showed the CD a large amount of methamphetamine, estimated to be more than two pounds. Garcia provided a small sample (one shard) of the methamphetamine to the CD. This meeting was not arranged for nor monitored by law enforcement. Investigators met with the CD later that day and obtained the sample of suspected methamphetamine from the CD. The sample field tested positive for methamphetamine. After the CD gave investigators the shard, the CD placed a recorded call to Garcia who agreed to a drug

transaction. Garcia did not mention a specific amount but stated that he did not want to deal directly with the buyer. The call was largely in code and specific drug amounts were not discussed. Later that night, during an unrecorded conversation with the CD, Garcia told the CD that he had 13 pounds of methamphetamine left and that is what he would be bringing to sell the next day.

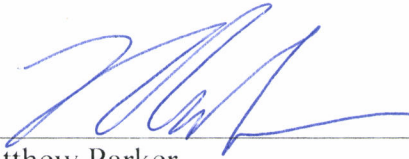
9. On March 15, 2013, while in the company of Agents, the CD placed a call to Garcia and told him that he/she was ready to do the transaction. Law enforcement prepared to have an undercover officer ("UC") accompany the CD to a predetermined location to participate in the transaction with the plan to arrest Garcia once he provided the methamphetamine. A short while later, during another call, Garcia indicated that he would be ready shortly and would be able to meet. While the CD and the UC were enroute to meet Garcia, the CD received two text messages. The CD informed the UC that the first text message indicated that the amount of methamphetamine for the sale would be 12 pounds. Immediately after, the CD received a second text and, according to the CD, the text indicated that the amount would be 11 pounds.

10. Shortly after, a surveillance officer observed Garcia come out of 1847 Todd Drive and go toward the trunk of a silver four door Volkswagen Jetta bearing Minnesota license 240-LCH. Garcia then walked away from the vehicle in the direction of the entrance to his shed and trailer. Within minutes, he returned to the car and got in. Garcia backed out of the residence and departed the neighborhood. Several minutes later, officers observed Garcia arrive at the designated meet location which was a Target store parking lot located in Shoreview, Minnesota. Garcia was driving the silver Jetta bearing

Minnesota license 240-LCH and officers observed Garcia park the vehicle and immediately get out of the car. Garcia then went into Target and was observed talking on the phone. During a subsequent debrief with the UC and the CD, investigators learned that the CD had spoken with Garcia by phone and that Garcia instructed the CD to find the Jetta in the parking lot. Garcia said that the car was unlocked. Garcia further stated that the CD should go to the Jetta and push the trunk release button. The UC then went to the silver Jetta in the parking lot, opened the car door and pressed the trunk release button. When the trunk opened, the UC retrieved a bag from the trunk. Recovered in the bag were six, individual bundles, each wrapped in plastic containing various quantities of what appeared to be methamphetamine. Investigators then arrested Garcia in the Target parking lot. Officers conducted field tests on two separate random bundles of the suspected narcotics and they tested positive for methamphetamine. The total weight of the six bags including packaging was approximately 5,100 grams.

11. Based on the above stated facts, your Affiant believes that probable cause exists that on or about March 15, 2013, in the District of Minnesota, Marcelino Garcia distributed 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A).

Further your Affiant sayeth not.



Matthew Parker
Special Agent, Federal Bureau of Investigation

Sworn and subscribed to before me
this 18 day of March 2013.



The Honorable Steven E. Rau
UNITED STATES MAGISTRATE JUDGE